

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-56 are cancelled, claims 1-2 and 57-58 remain in this application as amended herein, and claims 59-66 are added. Accordingly, claims 1-2 and 57-66 are submitted for the Examiner's reconsideration.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

Claims 57-58 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tanigawa (U.S. Patent No. 7,305,698). Applicant submits that the claims are patentably distinguishable over the relied on sections of Tanigawa.

As amended herein, claim 1 recites:

download audio data supplying means for supplying download audio data corresponding to the one or more of the broadcast audio materials that are compressed in a predetermined compressing format;

multiplexing means for multiplexing the digital audio data of the plurality of audio broadcasts, the associated digital data for the audio information screen, and the corresponding download audio data to form multiplexed data having an audio broadcast component, a digital data for audio information screen component, and a download audio data component; and

transmitting means for transmitting the multiplexed data such that each one of the audio broadcast component, the digital data for audio information screen component, and the download audio data component is transmitted completely at least twice within a program period.

(Emphasis added.) The relied on sections of Tanigawa neither disclose nor suggest supplying download audio data corresponding to one or more of (a plurality of) broadcast audio materials. Moreover, the relied on sections of Tanigawa neither disclose nor suggest multiplexing digital audio data of a plurality of audio broadcasts, associated digital data for an audio information screen, and corresponding download audio data, and the relied on sections of Tanigawa neither disclose nor suggest multiplexing to form multiplexed data having an audio broadcast component, a digital data for audio information screen component, and a download audio data component. Further, the relied on sections of Tanigawa neither disclose nor suggest transmitting multiplexed data such that each one of the audio broadcast component, the digital data for audio information screen component, and the download audio data component is transmitted completely.

Rather, the relied on sections of Tanigawa simply describe a receiving apparatus that (i) receives a broadcast wave and separates a set of image data from the broadcast wave and (ii) receives control information that includes a supplementary design that can be superimposed onto the image data. (See col.4 11.32-39 and 56-60.) The relied on sections of Tanigawa further describe display image information, audio information, and link information to private sections that are multiplexed and transmitted as digital data. (See col.20 11.37-39 and 53-57, col.21 11.1-4, 23-39 and 50-54, and col.29 1.58 to col.30 1.2.) Such sections are not at all concerned with multiplexing and transmitting download audio data corresponding to the audio information. Hence, the relied on sections of Tanigawa do not disclose the features set out above.

It follows, for at least the above reasons, that the relied on sections of Tanigawa do not disclose or suggest the

combination defined in claim 1 and therefore do not anticipate the claim.

Independent claim 2 has been amended to call for features similar to those set out in the above excerpt of claim 1. Claim 2 is therefore patentably distinguishable over the relied on sections of Tanigawa for at least the reasons set out above regarding claim 1.

Claims 57 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanigawa in view of Glaser (U.S. Patent Application Publication No. 2006/027198). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Claim 57 depends from claim 1, and claim 58 depends from claim 2. Therefore, each of the claims is distinguishable over the relied-on sections of Tanigawa for at least the same reasons.

The relied-on sections of Glaser do not overcome the deficiencies of the relied-on sections of Tanigawa. Rather, such sections of Glaser describe that either high quality audio data or normal quality audio data is sent over a telephone line. (See Fig.9 and ¶ [0097]-[0099].) The relied-on sections of Glaser are not at all concerned with multiplexing high quality audio data and normal quality audio data and are not at all concerned with transmitting multiplexed high quality audio data and normal quality audio data.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a).

New claims 59-62 depend from claim 1, and new claims 63-66 depend from claim 2. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons. Support for new claims 59-66 is found, e.g., at pages 10-12 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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